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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

06 DEPT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DAVID W. SCONCE,

Petitioner,

v.

DANIEL PARAMO, Warden, et al.,

Respondents.

Civil No. 14cv0415-WQH (WVG)

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

Petitioner, a state prisoner proceeding pro se, has filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, but has not paid the \$5.00 filing fee and has not submitted a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).

Because this Court cannot proceed until Petitioner has either paid the \$5.00 filing fee or qualified to proceed in forma pauperis, the Court **DISMISSES** the case without prejudice. See Rule 3(a), 28 U.S.C. foll. § 2254. If Petitioner wishes to proceed with this case, he must submit, **no later than April 28, 2014**, a copy of this Order with the \$5.00 fee or with adequate proof of his inability to pay the fee.

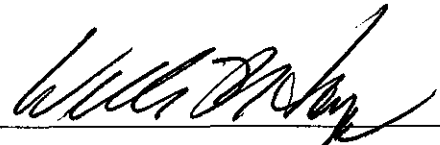
Additionally, a Petition for a Writ of Habeas Corpus must be submitted in accordance with the Local Rules of the United States District Court for the Southern District of California. See Rule 2(d), 28 U.S.C. foll. § 2254. In order to comply with the Local Rules, the petition must be submitted upon a court-approved form and in accordance with the instructions approved by

1 the Court. Id.; S. D. CAL. CIVLR HC.2(b). Petitioner has not submitted his application for writ
2 of habeas corpus on a court-approved form.

3 Accordingly, the Court **DISMISSES** the case without prejudice. To have the case
4 reopened, Petitioner must, **no later than April 28, 2014**, provide the Court with: (1) a copy of
5 this Order together with the \$5.00 filing fee; or (2) a copy of this Order together with adequate
6 proof that Petitioner cannot pay the \$5.00 filing fee, and file a First Amended Petition on a court-
7 approved form. The Clerk of Court shall send Petitioner a blank Southern District of California
8 in forma pauperis application and a blank Southern District of California amended petition form
9 along with a copy of this Order.

10 **IT IS SO ORDERED.**

11 DATED: 3/7/14



William Q. Hayes
United States District Judge

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14 CC: ALL PARTIES
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